**HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**W.P.No.19274 of 1997**

**Dated 29th day of January, 2007**

Between:

T. Damodharam and two others
.. Petitioners

And

The Joint Collector, Chittoor
and two others
.. Respondents

**O R D E R**:

This writ petition is filed seeking a direction to the respondents not to interfere with the petitioners' peaceful possession and enjoyment of Ac.2.76 cents of land situated in S.No.234 of Tiruchanur village, Tirupati (Rural) Mandal, Chittoor District.

The brief facts of the case are that the father of the petitioners purchased Ac.2.76 cents of land situated in S.No.234 in Tiruchanur from Inamdar, Nataru Krishna Reddy on 16.12.1978. Since the date of his purchase, he has been in possession and enjoyment of it. On application made by the father of the petitioners for grant of Ryotwari patta, the Inam Deputy Tahsildar, Chittoor, conducted an enquiry under Section 3 of the A.P. Inam (Abolition and Conversion to Ryotwari Patta) Act, 1956 and issued a notice to him in form V under Section 7 of the Act directing him to attend the enquiry on 13.5.1986. The petitioners' father participated in the enquiry and finally he was granted Ryotwari patta on 15.5.1986. As such, the petitioners have got valid title as well as possession of these lands. Afterwards, the petitioners and his father have been cultivating the land and paying land revenue regularly. Now, the respondents, without following due process of law, are interfering with the possession and enjoyment of their land under the pretext that it is a government land and is required for public park.

The 3rd respondent has filed a detailed counter

affidavit stating that the entire land in S.No.234 is an extent of Ac.113.67½ cents and it was classified as "Peddacheruvu" (Tank) during Survey and Settlement Operations in the year 1964. In fact, there was so much of litigation about the land in question and ultimately the High Court held that it is a communal poramboke and the authorities concerned did not grant Ryotwari patta in favour of either the petitioners or their father.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue

Having regard to the fact that the petitioners are claiming rights over the land in question by virtue of a Ryothwari patta granted on 15.5.1986 they are hereby directed to produce the Ryothwari patta to the 2nd respondent, who, on receipt of the patta, is directed to hold an enquiry into the genuineness. of the patta and pass appropriate orders in accordance with law. This exercise shall be done as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of the order. Pending consideration of the matter, the petitioners shall not be dispossessed from the land in question.

With the above direction, this writ petition is disposed of. No costs.

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29.01.2007
bcj